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**Z-2564**  
**MARK AND MICHAEL FORSZT**  
**HB To GB**

**STAFF REPORT**  
**February 13, 2014**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners, represented by attorney Daniel Teder, with consent from property owner Roy Meeks, are requesting rezoning of proposed Lot 1 of Meeks Minor Subdivision, a 5.0 acre lot located on the east side of Progress Drive, west of I-65, for a proposed Harley Davidson dealership in Lafayette, Fairfield 25 (NW) 23-4. The sketch plan for Meeks Minor is on the same agenda as this rezone request. (S-4436)

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The earliest zoning maps show the site zoned Accommodation Business (AB). It was rezoned from AB to its current zone Highway Business (HB) when the transitional zoning maps were adopted with the ordinance rewrite in 1998.

Land to the northwest, north, and east is also zoned HB. Land to the south and west is zoned General Business, (GB). Farther east toward the interstate is a small square of Industrial zoning, (I1): this 0.147 acre piece of land was rezoned in 2011 to make a cell tower conforming (Z-2458).

**AREA LAND USE PATTERNS:**

The proposed lot is currently unimproved. It abuts the east side of Progress Drive and will be bordered to the south by Commerce Drive once it is extended east. To the north and east of the site are hotels. Southwest of the Progress Drive and Commerce Drive intersection is the Wal-Mart shopping center. The developer currently has no plans for the remainder of the subdivision.

**TRAFFIC AND TRANSPORTATION:**

Progress and Commerce Drive are both local roads. HB and GB have the same setback requirements. The subdivision shows Commerce Drive continuing east along the southern border of this lot. Staff has no information on construction of this extension.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

HB and GB have the same bufferyard requirements. HB requires 20% vegetative cover and 40% maximum building coverage while GB only requires 10% vegetative cover and allows a maximum building coverage of 60%.

According to the subdivision report, a city water main exists at the southwest corner of Lot 1 and a utility easement connects this main to Lot 2. Both lots can be served by a

lateral not requiring a public improvement. Sewer lines exist in the utility easement along the north side of Lot 1; again no public improvement is necessary. Drainage for the site will be reviewed by the city as part of its building permit process.

**STAFF COMMENTS:**

Petitioners plan to locate a Harley Davidson Dealership on this site. Automotive dealers are not permitted in the HB zone, thus necessitating this request. The intent of the Highway Business zone in the Unified Zoning Ordinance is very specific: “to provide areas where interregional highways (I-65, US 52, US 231, SRs 25, 26, 28, 38 and 43) intersect each other, for the lodging, shopping, recreational and service needs of the traveling public” (UZO 2-18-1). The permitted use table includes motorcycle dealers with all other forms of motor vehicle sales. Automotive dealers were specifically removed as a permitted use from the HB zone so main thoroughfare intersections would be surrounded with uses which cater to the traveling public. However, when examining this specific use, staff finds few comparisons to an automobile dealership where there are bright lights on 24 hours per day and an expansive outside inventory. A motorcycle dealership does not normally store inventory outside.

Both GB and HB zoning are appropriate for this area; the question is where should the dividing line fall? A Harley Davidson dealership is a destination business, not the sort that typically attracts spur of the moment purchases. Properties south of this site almost all the way to McCarty are zoned GB, north of this property is primarily HB. Staff can agree this lot could be rezoned to GB without a significant change in the character of the area or the services provided to the travelling public. Because this site is not located on (former) SR 26, but is behind the row of businesses which caters to travelers, staff can support GB zoning for this site.

**STAFF RECOMMENDATION:**

Approval